

SCHEDULES

SCHEDULE 1 **N.I.**

Article 3.

COMPENSATION PAYMENTS

PART I **N.I.**

EXEMPTED PAYMENTS

1. Any small payment (defined in Part II of this Schedule).

2. Any payment made to or for the injured person under Article 14 of the Criminal Justice (Northern Ireland) Order [^{F1}1994, Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 or]^{F2}section 175 of the Armed Forces Act 2006] (compensation orders against convicted persons).

F1 Words in Sch. 1 para. 2 substituted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), s. 28\(2\), Sch. 4 para. 10](#)

F2 Words in Sch. 1 Pt. 1 para. 2 inserted (28.3.2009 for certain purposes otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383\(2\), Sch. 16 para. 151; S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

Modifications etc. (not altering text)

C1 Sch. 1 para. 2 modified (24.4.2009 for certain purposes otherwise 31.10.2009) by [Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\), arts. 1\(3\), 205, Sch. 1 para. 42](#)

3. Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent. by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—

- (a) the accident, injury or disease suffered by the injured person, or
- (b) the same or any connected accident, injury or disease suffered by another.

4. Any payment made out of property held for the purposes of any prescribed trust (whether the payment also falls within paragraph 3 or not).

5.—^{F3}(1) Any payment made to the injured person by an^{F3} insurer] under the terms of any contract of insurance entered into between the injured person and^{F3} the insurer] before—

- (a) the date on which the injured person first claims a listed benefit in consequence of the disease in question, or
- (b) the occurrence of the accident or injury in question.

^{F3}(2) “Insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or

Changes to legislation: The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.
- (3) Sub-paragraph (2) must be read with—
 - (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.]

F3 SI 2001/3649

- 6. Any redundancy payment falling to be taken into account in the assessment of damages in respect of an accident, injury or disease.
- 7. So much of any payment as is referable to costs.
- 8. Any prescribed payment.

PART II N.I.

POWER TO DISREGARD SMALL PAYMENTS

9.—(1) Regulations may make provision for compensation payments to be disregarded for the purposes of Articles 8 and 10 in prescribed cases where the amount of the compensation payment, or the aggregate amount of two or more connected compensation payments, does not exceed the prescribed sum.

(2) A compensation payment disregarded by virtue of this paragraph is referred to in paragraph 1 as a “small payment”.

- (3) For the purposes of this paragraph—
 - (a) two or more compensation payments are “connected” if each is made to or in respect of the same injured person and in respect of the same accident, injury or disease, and
 - (b) any reference to a compensation payment is a reference to a payment which would be such a payment apart from paragraph 1.

SCHEDULE 2 N.I.

Article 10.

CALCULATION OF COMPENSATION PAYMENT

N.I.

| (1) <i>Head of compensation</i> | (2) <i>Benefit</i> |
|--|--|
| 1. Compensation for earnings lost during the relevant period | [^{F4} Universal credit] [^{F5} Disablement pension payable under section 103 of the Contributions and Benefits Act [^{F6} Employment and support allowance] Incapacity benefit |

Changes to legislation: The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

| | |
|--|--|
| | Income support Invalidity pension and allowance Jobseeker's allowance Reduced earnings allowance Severe disablement allowance Sickness benefit Statutory sick pay Unemployability supplement Unemployment benefit |
| 2. Compensation for cost of care incurred during the relevant period | Attendance allowance Care component of disability living allowance [^{F7} Daily living component of personal independence payment] Disablement pension increase payable under section 104 or 105 of the Contributions and Benefits Act |
| 3. Compensation for loss of mobility during the relevant period | Mobility allowance Mobility component of disability living allowance [^{F8} Mobility component of personal independence payment] |

- F4** Words in Sch. 2 table inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 2 para. 33](#); S.R. 2017/190, art. 4(1)(2)(g)(i)
- F5** 1999 c.10
- F6** Entry in Sch. 2 para. 1 column (2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/286\)](#), regs. 1(b), **3(3)**
- F7** Words in Sch. 2 inserted (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 9 para. 34\(a\)](#); S.R. 2016/215, art. 3(2)
- F8** Words in Sch. 2 inserted (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 9 para. 34\(b\)](#); S.R. 2016/215, art. 3(2)

- F4** Words in Sch. 2 table inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 2 para. 33](#); S.R. 2017/190, art. 4(1)(2)(g)(i)
- F5** 1999 c.10
- F6** Entry in Sch. 2 para. 1 column (2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/286\)](#), regs. 1(b), **3(3)**
- F7** Words in Sch. 2 inserted (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 9 para. 34\(a\)](#); S.R. 2016/215, art. 3(2)
- F8** Words in Sch. 2 inserted (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 9 para. 34\(b\)](#); S.R. 2016/215, art. 3(2)

NOTES **N.I.**

1.—(1) The reference to unemployment benefit also includes any income support paid with that benefit on the same instrument of payment or paid concurrently with that benefit by means of an instrument for benefit payment.

Changes to legislation: *The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) For the purpose of this Note, income support includes personal expenses addition, special transitional addition and transitional addition as defined in the Income Support (Transitional) Regulations (Northern

2. Any reference to statutory sick pay—

- (a) includes only 80 per cent. of payments made between 6th April 1991 and 5th April 1994, and
- (b) does not include payments made on or after 6th April 1994.

N.I.

Schedule 3—Amendments

N.I.

Schedule 4—Repeals

Changes to legislation:

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 2 words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 2 words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 8](#)
- power to am. (prosp.) by [1998 c. 47 s.87](#)